

**OPINION
54-12**

November 17, 1954 (OPINION)

AUTOMOBILES

RE: License Plates - Use of Dealer's Plate

I wish to acknowledge receipt of your request for an official opinion interpreting sections 39-0456 and 39-0459 of the North Dakota Revised Code of 1943.

In order to construe section 39-0459 we deem it necessary to refer to the Uniform Motor Vehicle Registration Act as adopted in 1927, Chapter 179, 1927 Session Laws, sections 7, 17(a) and 25(g).

It is evident that under the 1927 law, dealer's plates could be used only on new vehicles operated for demonstration purposes only as noted in section 17(a).

Section 7 of Chapter 179, 1927 Session Laws is now section 39-0403 of the North Dakota Revised Code of 1943 and has not been amended to date.

Section 17(a) is now a part of section 39-0456 and has not been amended to date. This section contains the statement ". . . and any such plates so issued may, during the calendar year for which issued, be transferred from one such new vehicle to another new vehicle for demonstration purposes only. . ."

Section 25(g) is now section 39-0459 which was amended by section 5, of Chapter 186, 1931 Session Laws which provides as follows:

Section 5. Amendment. That Section 25 of Chapter 179 of the Session Laws of 1927, be amended and reenacted to read as follows:

Section 25. Registration Fees. And there shall be paid to the Department for the registration of motor vehicles, fees upon the basis and according to the schedules hereinafter set forth.

g) Dealers in passenger automobiles and automobile trucks shall pay a license fee of \$25.00 per year, and which said license shall allow the dealer to deal in new and used cars. Additional dealer's license plates shall be issued to the dealer upon payment of a fee of \$5.00 per set. Said dealer's license plates may be used on any car owned by the dealer and being used by the dealer in the ordinary course of his business, but such dealer's license plates shall not be used on used cars except for demonstration purposes only. Motorcycle dealers shall pay a license fee of five (\$5.00) dollars for each set of motorcycle tags issued to them."

There have been further amendments of section 39-0459 but the present

statute contains the same provision, with which we are here involved, to wit: "Such number plates may be used on any car owned by the dealer and used by him in the ordinary course of his business, but shall be used on used cars only when such cars are used for demonstration purposes."

The registration of dealer's vehicles under sections 39-0456 and 39-0459 is not a general registration but is restricted to the purposes specified. It is my opinion that section 39-0456 permits the use of dealer's plates on new vehicles used for demonstration purposes only and that section 39-0459 extends the privilege to other uses of a new vehicle in the ordinary course of business but does not extend the privilege to new vehicles when operated by the dealer or any employee or member of his family for personal purposes.

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